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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,901	09/22/2003	Naozumi Sugimura	520.43142X00	7388

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER
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SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/664,901

Applicant(s)

SUGIMURA ET AL.

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/21/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/21/2007 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 11-16, and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

***Response to Amendment***

3. The amendments, filed 05/21/2007, have been entered and made of record. Claims 11-16 and 19-22 are pending.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-16 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada (US PG PUB 20020135608) in view of Seo (US PG PUB 20040184780), and further in view of Nonomura (US Pat. No 6,574,419).

Regarding claim 11, Hamada discloses an apparatus recording information on a tangible recording medium, the information comprising:  
stream files including still pictures (see paragraphs 16; 70, 84,. 126-1:28 and fig. 20); and play list files for which order still pictures and background music to be played (see paragraphs 0112, 0128, 0142,0148, and 0181); and play list marks that correspond to the still pictures (see figs. 12, 18-19 and 30); wherein each of said play list files has one or more play items and one or more sub play items (see figs 2- 3), each of said play items corresponds to one or more still pictures (see paragraph 0082 and 0111),  
each of said play items includes start information indicating a presentation start time for the still picture, end information indicating a presentation end time for a still picture, and presentation time of the still picture (see paragraph 0132, 0135-0136), each of said play items corresponds to a BGM, each of said sub play items includes start information indicating a presentation start time for the BGM, end information indicating a presentation end time for the BGM, and a presentation time of the BGM (see paragraphs 0090, 0099 and 0118),  
each play list mark is associated with only one corresponding still picture (see fig. 18 and paragraphs 0116 and 0117).

Claim 11 differs from Hamada in that the claim further requires the BGM of the SubPlayItem and still pictures of the PlayItem are independently reproduced.

In the same field of endeavor Seo discloses a playlist area storing at least one sub-play item, the playitem providing navigation information indicating at least one still picture from a first file to reproduce still picture and the sub-playitem providing navigation information for reproducing audio data from a second file (see claims 1, 10 and 13). Seo further discloses the

audio data is reproduced in either a synchronized or unsynchronized fashion with the still image (see paragraph 0042). Therefore in light of the teaching in Seo it would have been obvious to modify Hamada by reproducing the sound and still picture independently in order to manage reproduction duration.

Claim 11 further differs from the proposed combination of Hamada and Seo in that the claim further requires the still pictures of the play items and the BGM of the subplay items are controlled without interrupting each other.

In the same field of endeavor Nonomura discloses control information which defines a reproduction order of a plurality of pieces of audio data and a display order of a plurality of still picture data. Nonomura further teaches the reproduction order of the plurality of audio and still picture data are defined separately by the reproduction control information. Therefore in light of the teaching in Nonomura it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the proposed combination of Hamada and Seo by independently controlling the audio and still picture in order to access both data separately.

Regarding claim 12, Hamada discloses start information is in the format of IN\_time and said end information is in the format of OUT\_time (see fig. 3 and paragraph 0122).

Regarding claim 13-14, the limitations of claims 13-14 can be found in claims 11-12. Therefore claims 13-14 are analyzed and rejected for the same reason as discussed in claims 11-12 respectively.

Regarding claim 15, Hamada discloses an information reproducing method for reproducing still picture information from a recording medium on which is recorded stream files including still pictures, play list files which order Still pictures and background music to be

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played (see paragraphs 16, 70, 84, 126-128 and figs. 2-3 and 20), play list marks that correspond to the still pictures (see figs 12, 18-19 and 30) wherein each of said play list files has one or more play items and one or more sub play items (see figs 2-3), each of said play items corresponding to one or more still pictures and includes start information and end information (see paragraphs 0119, 0121, 0132-0133, 0135, 0090, 0105, and 0114), and each of said sub play items corresponds to a BGM and includes start information, end information and presentation time for the BGM (see paragraphs 0990, 0142, 0114), and wherein each play list mark is associated with only one corresponding still picture and with only one corresponding play list (see paragraphs 0116, 0117 and fig. 18), said information reproducing method comprising the steps: detecting said start information and said end information (see paragraphs 0119, 0090, 0099, and 0114); controlling Said presentation time of said still pictures in accordance With said detected start information and dend information (see paragraphs 0090, 0114, and figs. 22, 30-32).

Claim 15 differs from Hamada in that the claim further requires independently reproducing the still pictures of the play items and BGM of the sub play items.

In the same field of endeavor Seo discloses the separate .audio file to be reproduced contains in-time information and out-time information. Seo further discloses the audio data is reproduced in either a synchronized or unsynchronized fashion with the still image (see paragraph 0042). Therefore in light of the teaching in Seo it would have been obvious to one of ordinary skill in the art at the time the invention was made to control the sound independent from the stillpicture in order reproduction duration.

Claim 15 further differs from the proposed combination of Hamada and Seo in that the claim further requires the still pictures of the play items and the BGM of the subplay items are controlled without interrupting each other.

In the same field of endeavor Nonomura discloses control information which defines a reproduction order of a plurality of pieces of audio data and a display order of a plurality of still picture data. Nonomura further teaches the reproduction order of the plurality of audio and still picture data are defined separately by the reproduction control information. Therefore in light of the teaching in Nonomura it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the proposed combination of Hamada and Seo by independently controlling the audio and still picture in order to access both data separately.

Claim 16 is rejected for the same reason as discussed in claim 2 above.

Regarding claim 19, the limitations of claim 19 can be found in claim 11 above. Therefore claim 19 is analyzed and rejected for the same reason as discussed in claim 11 above.

Regarding claim 20, the limitation of claim 20 can be found in claims 11 and 15. Therefore claim 20 is analyzed and rejected for the same reason as discussed in claims 11 and 15 above.

Regarding claim 21, Seo discloses independently repeating reproduction of the BGM of the sub play items, if there are additional still pictures of the play items to be reproduced (see paragraph 0042-0049).

Regarding claim 22, Hamada discloses playing one of a subsequent and last play list file on the recording medium (see fig. 38 and claim 15 rejection above).

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

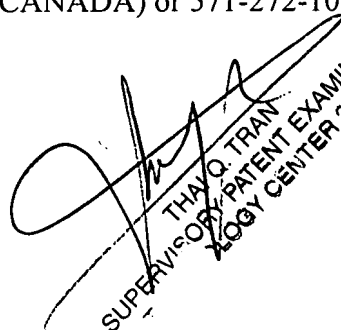
Baldwin et al. (US Pat. No. 6,975,363) discloses controlling video and audio data independently.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
August 22, 2007

  
THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
EBC CENTER 2600